Melius Inquirendum:

Or a further

Modeſt and Impartial

ENQUIRY

INTO

The Lawfulneſs

Of Taking

The New Oath

OF

ALLEGEANCE.

By a Divine of the Church of *England.*

LONDON,

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Geo. Gregory Cat. 311 #543 F13 1933 2/ (AND)

TO THE
READER.

THE general Alarm occasion'd by the new OATH of ALLEGEANCE gave me no rest, till I got it, and had examined, as well as I could, the evil which I perceived many apprehended to be in it. My Head has been long too weak for a task of this moment, I was therefore forced to take the help of my Pen, and perhaps this too may be too little. However what my thoughts are upon the best enquiry and most serious deliberation I could use, I here make bold to publish to the World; not confiding so much in my own judgement, as to hope it shall give full satisfaction to those who need it, or so much as to suppose that I my self may not hereafter meet with reason enough to change my mind; but earnestly desiring that any good Christian that discerns my Errors (if such there be) would be so charitable to me as to let me know them, even as publickly as I expose them. And therefore would I have it so, that others, if under the same mistakes, may with me have the benefit of so seasonable a Charity. I shall ever account it a happy publication of my weakness and ignorance, which may prevent a Crime either in my self or another.

Farewel.

Geo. Gregory Cat. 311 #543 F 13 1933 2/6 (ATT)

That which (I ſuppoſe) I am to Swear in taking this Oath.

1. I Am not thereby either to *Deny* or *Aſſert*, That either Ja. *the Second*, or K. *W.* and Q. *M.* either *have*, or *have not* the *Legal Right* to the *Crown* and *Government*.

2. I am not to Swear *never* hereafter at any time to *bear Allegeance* to *Ja.* the *Second*, though his *Legal Right* ſhall appear, and He ſhall again *Legally* recover it, and *Actually Govern by Law*. But

3. I am to Swear, that whilſt K. W. and Q. M. are *actually*, as now they are, K. and Q. and *Govern by Law*, I will *obey* them according to the *Law* in all things *lawful* and *honeſt*, and by no means endeavour to *diſturb* or *oppoſe* them in their *Legal Government*, but *maintain* and *aſſiſt* them in my *place* and *ſtation*, as I ſhall be *able*, and our *Laws* require me to do.

A

Modeſt and Impartial Enquiry

INTO

The Lawfulneſs

Of Taking the NEW

Oath of Allegeance.

A. HAving juſt now met with the ſo much talk'd of OATH of *Allegeance*, impoſed upon us under the penalties of forfeiting both Eſtate and Liberty, I have brought it with me, deſiring your Opinion of it.

B. I am not at all glad to hear, that this *Oath*, whatever it be, is ſo generally impoſed; very much fearing, leſt, as moſt ſuch *Impoſitions* have been found to do, it may do more hurt than good. Yet if it be impoſed with ſuch *Penalties* to be inflicted on them that refuſe it; we are concern'd to conſider ſeriouſly of it, leſt we either wound our *Conſciences* in taking it, or be too prodigal of our *Eſtates* and *Liberty* in refuſing it. Pray let me hear the words of it.

A. The words of the *Oath* are theſe.

I A. B. *Do ſincerely Promiſe and Swear, That I will be Faithful, and bear true Allegeance to Their Majeſties King* WILLIAM *and Queen* MARY.

B. The

B. The beſt way to diſcern whether or no this *Oath* may be lawfully ſworn by us, will be (as I think) to enquire if it may be ſworn according to God's directions, (*Jer.* 4. 2.) *in Truth, in Judgment, and in Righteouſneſs.*

A. I am of the ſame Opinion. And *firſt*, Do you think it may be ſworn *in Truth?*

B. Seeing this is a *Promiſſory Oath*, to ſwear it in *Truth*, ſeems to me nothing elſe, but *truly*, or (as the word in the *Oath* is) *ſincerely* to intend to perform what we Promiſe. And this we may do.

A. Yes, if we Promiſe no *Impoſſible*, *Vain*, or *Unlawful* thing.

B. That it is neither *Impoſſible*, nor *Vain*, ſuppoſing it not *Unlawful* or *Unrighteous*, I think we may be eaſily ſatisfied; and therefore we need only enquire, whether it may be ſworn in *Righteouſneſs.*

A. Yea, but it is neceſſary alſo that it be ſworn in *Judgment*; What ſay you to that?

B. If we know and conſider well, *What*, *Why*, and to what *End* we ſwear, and after a rational deliberation are ſatisfied in mind, that the thing we promiſe is neither *Impoſſible*, *Vain*, nor *Unjuſt*; we ſwear in *Judgment*. And therefore what concerns us chiefly to examine, is, if it may be ſworn in *Righteouſneſs.*

A. I ſee plainly it is ſo. May we then ſo ſwear it?

B. If we may ſwear it without any *wrong* to *God*, our *Neighbour*, or our *Selves*, I think you will grant we may ſwear it in *Righteouſneſs.*

A. I grant we may.

B. Wrong is done to *God*, when we break his *Commandments.* What *Law* of God then ſhall we break in taking this *Oath?*

A. I am afraid leſt we ſhould thereby break all the Laws of God commanding *Obedience* to our *Lawful Governours*, and thoſe alſo that forbid *Vain-ſwearing* and *Perjury.*

B. No Law of God commanding Obedience to *Lawful Authority*, is broken by ſwearing *Allegeance* to our *Lawful King* and *Queen.*

A. That's true; but if they be not ſo, and Another be our *Lawful King*, in ſwearing to bear that *Allegeance* to *Them*, which is due to *Him* alone, we break the Laws of Obedience to our *Lawful Governours.*

B. You ſee then, no wrong is done to God in breaking his Laws

Laws of Obedience to Lawful Governours, but by doing wrong to our *Neighbour*, I mean *Him* who is our *Lawful Governour*. We are therefore no farther concern'd here, but to see that no *wrong* be done to *Him*.

A. And this we ought very carefully to see to, before we can take this *Oath*.

B. It is very true, and in order to this, we are first to consider *who* this *Lawful King* is, whom we may wrong by taking the *Oath*.

A. I imagine we are all satisfied, that JAMES the II. had a *Legal Right* to our *Allegeance*.

B. I doubt it not.

A. And I am not yet satisfied, that He either hath lost, or could lose that *Right*.

B. If he could cease to be *Lawful King*, he could lose that *Right* to our *Allegeance*.

A. That cannot be denied.

B. If he could cease to be such a *King*, as by the *Constitution* of the Kingdom, our *Kings* must be, he could cease to be *Lawful King*.

A. I think that is also plain enough.

B. And I think it is as plain, that our *Constitution* admits of no *King* that will not be *limited* in his Government by the *Laws*. Ours being no *Absolute*, but a *Mixed* and *Limited Monarchy*.

A. Are we sure of that?

B. We are, I think, sure, That the *King's Will* is not the measure of his *Power*, but (as K. CHARLES the First of blessed Memory acknowledged) *The Law is the Measure of his Will*; That He is only our *Liege*, or *Legal Soveraign*, and the duty we owe him is *Allegeance*, or a *Legal Obedience*; that the *Laws* and *Customs* of this Realm have ever been accounted the *Rule* of Government; that the *Regal Power* hath been ordinarily confined to them; that these *Laws* whereby he is bound to Govern, are neither Made nor Interpreted by *his* sole *Authority*, but by the concurrence of the other *Estates* of the Realm. If all this make it not evident that this is no *Absolute*, but a *Limited Monarchy*, nothing can.

A. Will it hence follow, that a *Legal King* can cease to be so?

B. I think it will very clearly. For seeing our *Constitution* allows of no *Absolute Monarch*, if any *King* refuse to be limited by *Law* in his *Government*, and will be *Absolute*, making his *Will* the only

only *Law* by which he will Govern, he ceaſeth to be *Lawful King* of this Realm; becauſe he is become ſuch as the *Conſtitution* will not bear.

A. Shall He hereby loſe his *Right* to Govern?

B. Not his *Right* to Govern by *Law* if he *will* do ſo, and he hath no other *Right* that I know of.

A. Then it ſeems he may be *Lawful* or *Rightful King* ſtill, tho' he unjuſtly claim an *Abſolute Power*; for he may be reſtrained by *Laws* in the *Exerciſe* of his Power.

B. *Laws* indeed may *preſcribe* the Limits of his Power, but how ſhall they *confine* Him within thoſe Limits, if he will be *Arbitrary* and *Boundleſs?* What ſignifies a *Limitation* that can limit him no farther than he *will* be limited? Will he not be as *Abſolute* notwithſtanding ſuch *Laws*, as he could be without them, if he can forfeit no *Right* by tranſgreſſing them?

A. Muſt a King needs loſe his *Right* to Govern, by any tranſgreſſion of the *Laws*, whereby his *Authority* is limited?

B. By no means. Nay all *tolerable* tranſgreſſions of the Law, and very *many* and *great* grievances ought to be born, rather than the *Peace* and *Safety* of a Kingdom ſhould be hazarded by diſturbing the Government. Neither do I think that a *King* can forfeit his *Right* to govern, ſo long as by any means he may be reduced to a *Legal exerciſe* of his Authority, or will be content to *Reign* without the *ſubverſion* of the Government, and the *ruine* of his people.

A. How ſhall we underſtand when he will not be content with this?

B. When after all Legal means uſed for his due *information* and juſt *reſtraint*; he ſhall either by *Word* or *Deed* manifeſtly *declare* it to be his reſolution to be *Arbitrary*, and no longer to be limited by any *Law* but his own *Will*.

A. But the *King* has a *Divine Right*, his *Power* is of God, and can he forfeit that by tranſgreſſing the Laws of *Men*?

B. When you ſay, *His power is of God*, is this your meaning; That this very *individual Perſon*, ſuppoſe it *JAMES* the Second, was *named* or *pointed out* by God (as *Saul* and *David* were) to be *King* yea and *Abſolute Monarch* of this Realm?

A. I have no ſuch meaning.

B. Then you can mean no more, but that *Government* in every Nation is of *Divine Inſtitution*, and when any *Perſon* is once *Legally* inveſted in it, whether the *Authority* be convey'd to him by *Election* or *Succeſſion*, it is of God.

A. That

A. That is my meaning.

B. Then that *Authority* is neither more nor leſs, than *He* or *They* by whom 'tis derived unto him, *is* or *were* inveſted in by the *Fundamental Conſtitution* of the Kingdom, provided it be ſufficient for the *ends* of Government.

A. I have nothing to ſay againſt that at preſent.

B. I hope we may alſo take it for granted, That the *Right* the *King* hath from God, is to be *a Miniſter of God for the good of his People, that under him they may lead quiet and peaceable lives in all Godlineſs and Honeſty*; and that they through whom this Right was convey'd to him never conſented or meant that he ſhould abuſe it to their *hurt* or *ruine*.

A. This cannot be gainſaid.

B. Then I think a *King* in *declaring* his reſolution not to regard the right *ends* of Government, nor any *Law* but his own *Will*, tho' it tend not to the *preſervation*, but *ſubverſion* of the eſtabliſhed Government, not to the *protecting*, but the *inſlaving* or *ruining* his people; *Declares* his reſolution to be no longer *lawful King*, either by *Divine* or *Human Right*. Deſtroying the *Original Conſtitution* of the Government, he undermines and ſubverts his own *Authority* thereby, and abſolves his Subjects from *Allegeance* to him.

A. This being a weighty point, I deſire a little better to underſtand it.

B. The *King* holds his *Crown*, as his Subjects do their *Liberties* and *Properties*, by the *Laws* and *Cuſtoms* of the Kingdom: if he therefore *ſubvert* that whereon his *Authority* ſtands, the *Legal Conſtitution* of the Kingdom, he muſt needs overthrow his own *Legal Authority*. All that we owe him is a *Legal Obedience*; deſtroying the *Laws* he quits that, and onely challengeth what we owe him not, and therefore in truth we owe him nothing.

A. By what you have ſaid, I am now convinced that a *Legal King* may ceaſe to be ſo, and when he ceaſes to be ſo, no *Allegeance* can be due unto him. The next thing to be examined is, whether *JAMES* the 2d who was once our *Legal King*, have ceaſed or no to be any longer ſo. What think you of that?

B. That we muſt now examine, by applying to *Him* what we have already ſaid. If *He* then hath in effect *declared*, that he would no longer rule us as his *Legal Subjects* by *Laws*, but as *Slaves* by an *Arbitrary* Power; he hath quitted his *Lawful Authority*, which was all he had, and aſſumed an *Authority* which is none of his;

and thereby hath absolved us from our *Allegeance* to Him.

A. How did he *declare* this, when in his *Declaration* he promised to protect us in our *Rights* and *Properties*?

B. What signifies a *Verbal promise*, which was in *Deed* broken almost as soon as made? All it teacheth us is, not to believe such promises again, till we can have better evidence of his intentions, and better security too for the performance than I know which way he can give us.

A. But where do you find his *Declaration* not to Govern by Law?

B. In his challenging to himself expressly an *Absolute Power*, and requiring to have his will obey'd *without reserve*. In *Suspending* some *Laws* for ever, and *Dispensing* with others at pleasure, and calling this his *Right* and *Prerogative*. In *Licensing* persons to act in *Office* contrary to Law, and putting them out of Office that would not own and assert his Right so to do. In imposing *Illegal* things, and *punishing* such as according to their known *duty* only in the most Legal way *Petition'd* to be excused. In erecting *Illegal Courts* in an *Arbitrary* way, to eject men out of their undoubted *Free-holds*, meerly for adhering to the Laws. In treating with, and receiving a *Nuncio* from that *Forreign Power* which the whole Nation is sworn to oppose. In admitting an *order* of men into his *Privy-Council*, for which it is *Treason* to enter the Kingdom. In using base *Arts* to pack *Parliaments* of men by Law disabled for that trust. In over-awing the people into submission to his *Arbitrariness* by an *Army* kept a foot in times of peace. I add no more but this only, in *Deserting* his people, leaving them without means of Government, and to the mercy of a disbanded *Army*, and meerly because he would not hearken to any Treaty, or endure to hear of being tied to Govern by Law.

A. I wonder you say nothing of the death of the *Earl of Essex*, or of the *Prince of Wales*, or of the *League with* France.

B. I say nothing, but what is notorious to all the World, and cannot be denied.

A. In order to our Swearing this *Oath* in *Judgment*, 'tis necessary we be well inform'd of the *truth* of all this as matter of *Fact*, and farther in point of *Law*, whether all this will null his *Authority*.

B. You and I being *private Persons*, and neither *Lawyers* nor *Statesmen*, what course could we take for our *Information*, but what has been taken? the *Peers* did personally Convene, and all of us in our *Representatives*, to *Examine*, *Consult* and *Conclude* as there was cause.

cauſe. Theſe have found the matter of *Fact*, and declared thereupon the *Throne* to be *vacant*, and have again filled it.

A. Filled it indeed, but how? If *JAMES* the 2d have left it vacant, why was it not filled with the next undoubted *Heir*?

B. *JAMES* the 2d loſing his *Authority*, it muſt either lapſe to the Nation, or deſcend to the next *Heir*. If it lapſed, our *Repreſentatives* have anew diſpoſed of it, and their act is good. If it deſcended, they have done the next *Heir* right, ſhe is in the *Throne*.

A. Yes jointly with another who hath all the *Power* and *She* the empty *Title*.

B. The whole *Adminiſtration* you mean, not all the *Power*: and whatever *He* hath we may juſtly ſuppoſe 'tis with *Her conſent*. The *Crown* was tender'd to *both*, accepted by *both*, ſet on the heads of *both*, and the *Oath* of *Allegiance* is to *both*.

A. Think you the *Determination* of this *Convention* enough to warrant us in *Conſcience* to take this *Oath*.

B. God's *written Word* (the beſt *Rule of Conſcience*) commands us only in general, *Allegeance* to the *Higher Powers*. There is now a diſpute whether the *Supream Power* be in *JAMES* the 2d or in *WILLIAM* and *MARY*. The *Scripture* will not tell us in which it is. Who then ſhall? The *Laws* of the Land you'll ſay. But you and I are not read in the *Laws*. Who then but the *Repreſentative* body of the Nation? If we muſt not reſt in their *Determination*, wherein may we reſt?

A. To *reſt* on their determination is one thing, to *ſwear* another.

B. To *reſt* on their determination implies a *Legal Obedience* to King *WILLIAM* and Queen *MARY*, and that's all is meant by *Allegeance*.

A. And I am reſolved to yield it them.

B. Why then may you not *ſwear* to do, what you *reſolve* to do?

A. Becauſe in this Oath I ſeem to aſſert their *Right* which is yet doubtful.

B. I am ſure we do not in this *Oath expreſly* aſſert any *Right* they have.

A. But it ſeems that *Implicitly* at leaſt we do. For they are here ſtiled *Their Majeſties*, and are called *King* and *Queen*, and it muſt be ſuppoſed they are ſo, when we ſwear *Allegeance* to them, elſe the

Oath is a *Mockery*, and *a taking God's name in vain.*

B. But is it *implied*, that they are *Lawful* and *Rightful King* and *Queen*, and that we *assert* them to be so, as we did *expresly* do in the late *Oath* of *Allegeance*?

A. I think this is *implied*, for *Allegeance* is due to such only, and that's it we swear.

B. Who is to *interpret* an *Oath* where the meaning is dubious?

A. The *Imposers* of it.

B. Was there not a debate among them about these words *Lawful* and *Rightful*? And were they not *purposely* left out, lest they should create *Scruples* in them who are to take the *Oath*?

A. 'Tis said it was so.

B. To what purpose was this *omission* of those words, if what they signify must still be look'd upon as *implied* in the *Oath*?

A. I know not that. But I am sure if this be not *implied*, it seems to me a very *vain*, and therefore *unlawful Oath.*

B. Why so?

A. Because admitting this, we swear as good as *nothing.* For *Allegeance* being that *Obedience* which is due by the *Laws* to our *Lawful Soveraign*, if they be not *Lawful King* and *Queen*, no such *obedience* can be due to them by the *Laws*; and swearing no other, I swear as good as *nothing*, a very *vain Oath.*

B. It is granted, that the *Laws* prescribe and bound the *Obedience* which is due to our *Lawful Soveraign*, so that no other hath a *right* by *Law* to that *Obedience*, nor need we by *Law* to pay him any other; and in this sense 'tis called *Allegeance.*

A. But how can we swear to pay that which is *due* to our *Lawful Soveraign*, and to *him only*, to those whom we need not suppose to be so?

B. May we not in many cases swear to *pay* one that which is not by any *Law* beforehand his *right* and *due*? And will not such an *Oath* create to him a *right* and *due*, which was not his before?

A. I grant it in some cases, but not where it will be to anothers *wrong*, and it must needs be a *wrong* to our *Lawful Soveraign* to pay his *due* to another.

B. Tho' the *Legal Soveraign* alone can Challenge our *Allegeance* as his *Debt* and *Due*; may we not promise the *like* obedience to *another* without *wrong* to *him*? I owe *you* by bond *Twenty pounds*, may I not pay the *like Sum* to *another*, to whom I owe it not, without wronging *you*? Or may I not *Promise* and *Swear* to him beforehand to do it,

and

and make it ſo a *Legal* debt, tho no *Law* bound me before either to *promiſe* or *pay* it?

A. Without doubt you may, ſo you pay *me* too what you owe me. But how we can ſwear *Allegeance*, to *W.* and *M.* as *King* and *Queen*, and yet pay our *Allegeance* to our *Lawful Soveraign*, ſuppoſing another be ſo, I ſee not. This were *to ſerve two Maſters*, to ſet up two *Soveraign Powers* in one Kingdom, and indeed to ſwear *Impoſſibilities*.

B. I pay the *Service I owe* to *one* man as to my *Maſter*, whoſe *due* it is. I pay the *like Service* to *another* whoſe *due* it is not, nor own I *him* thereby for my *Maſter*: To the one I pay a *debt*, on the other I beſtow a *largeſs* or *boon*. I pay my *Allegeance* to my *Soveraign* as far as I can. I yield the *like obedience* to *another*, not as my *Soveraign*, but as one whom I have other reaſons thus to *oblige*. The former has his *due*, the later *more* than is *due*, but no more than I think fit. Where's now the *Impoſſibility* or *Injuſtice?* A *penny* was one labourer's due, and a *penny* was more than was due to another; yet were they paid alike, the one had no *wrong*, nor the *other too much*.

A. Yet I ſee not how this can be done in our preſent caſe.

B. Our *Caſe* is this: The *Impoſers* of this *Oath* have concluded, That *JAMES* the 2d is no longer our *Lawful Soveraign*, but *WILLIAM* and *MARY*. Yet do they not require that we ſhould *expreſly* ſwear *this*, but only that we will, whilſt they govern us, *obey* them in all their *Legal Commands*, which is the very *ſame* and *all* which we are bound by *Law* to do towards our *Lawful Soveraign*, if any other be ſo. And our *Queſtion* is, Whether we may ſwear this or no?

A. I think we may not, becauſe it is not certain that *another* is not our *Lawful King*, and we may not ſwear away his *Right*.

B. If all that was ſaid above be true, *JAMES* the 2d is not our *Lawful King*. Yet we are willing at preſent to ſuppoſe it *doubtful* whether he be or no, and what has been laſt ſaid is in order to their Satisfaction who yet *doubt* of this.

A. We may not ſwear he is not *Lawful King*, whilſt we *doubt* of it.

B. Neither are we required to ſwear it, but only to be *obedient* to the *Preſent King* and *Queen*, ruling by the *Laws* of this *Realm*.

A. Do you think we may *ſwear* this, whilſt we *doubt* that another may be *wrong'd* by it?

B. Muſt

B. Must the Nation be *ungovern'd* till all our *doubts* about the *Government* and *Right* to *Govern* be removed?

A. I say not so, for *Government* is God's *Ordinance*, which no people can *wilfully* and *innocently* be without.

B. Who must *Govern* it in the mean time?

A. *He* should whose *right* it is.

B. True, but *He*, whom you now suppose to have the *right*, has *deserted* the *Government*, and cannot *Govern*.

A. Possibly, he was *driven* out by force.

B. They whom we intrusted to enquire into that and other things do assure us he was not. Who should drive him away?

A. The *Pr.* of *Or.* and his *Assistants*.

B. Then the *Pr.* by the help of his *Assistants* is become a *Conqueror*, and if *Conquest* create so good a *Right*, that some have thought it the best *Title* that any of our *Kings* could have, and thence have argued that they were *Absolute Monarchs*, why hath not *King WILLIAM* as good a *Right* as any that were before him?

A. I have no mind to dispute about that.

B. Nor need you, for I think 'tis plain enough that *JAMES* the 2d *voluntarily* forsook the Kingdom.

A. Had it not been fit however to have *treated* with him about *returning* to his *Government*, before another was seated in his *Throne*?

B. Had they who are best able to judge what's fit in such a case taken that course, I should have thought no worse of them for it, because it might have tended to many men's better *Satisfaction*. Yet I confess I cannot see to what *other* purpose it would have been. For either he would have disdain'd such a *Treaty*, as below him, or he would not have consented to govern by *Law*; or if he would, he could not have given us better *assurance* that he would do so, than he had beforehand given us that he would not.

A. Why then had we not rather a *Regent* in his name, than a *King* in his stead?

B. Had he been either *Infant* or *Lunatick*, this might have done; but to a *Person* of his *Age*, *Temper* and *Religion*, a *Prison* and a *Fetter* would have been as easy as a *Regent*. To be short, 'tis fit the *Nation* in his absence should be well *govern'd*, and who fitter for the *Government*, than the next *Heir*, or *He* who hath it by *her* consent? And whilst they *Govern* by *Law*, 'tis our duty to obey them, and what it is our *duty* to do, I think we may *swear* to do.

A. But not if we *doubt* whether it be our *duty* or no.

B. I pray consider it well. The *wrong* done to another, if any at all, is to *One* who will not *exercise* his *Right* as he ought to do, and you do no more but *doubt* whether he be *wrong'd* or no. What is this in comparison of the *Wrong* which a whole *Kingdom* sustains for want of *Government*? And *Government* it must want if we will not *obey* our *present Governors.*

A. Yet this seems no better than *doing of evil that good may come.*

B. *Government* is a necessary *good*, neither can *obedience* to *Governors*, be they *Lawful* or no, in things *Just* and *Legal*, for the *publick* good, be any *evil.*

A. The *evil* I shall be guilty of in Swearing this *Oath* seems to me very great, even no less than *Perjury.*

B. I confess that's an *evil* not to be ventured on to save a world from drowning. No greater *wrong* can be done to God than this. But why must we be guilty of *Perjury* upon this account?

A. Have we not already sworn *Allegeance* to *another*? How then can we swear this new *Oath* of *Allegeance* without *Perjury?*

B. Did we swear *Allegeance* to another *absolutely* and *for ever*, or only for *so long* as he should be *Lawful King*, and our *Allegeance* his *right* and *due.*

A. Without all dispute for *so long* only.

B. Then if at any time *it* prove to be no longer his *right* and *due*, or he any way cease to be *Lawful King*, we are absolved from that *Oath*, and at Liberty to swear the same to another whose *right* and *due* it is become. Did we swear that *He* who then was *rightful King*, would *always* be so, or that we would bear him *Allegeance* when he should *not* be so?

A. We must have been mad to swear that.

B. The *Perjury* then you are afraid of is only on *supposition* that *he* to whom you swore is as much *now* our *Lawful King*, as *then* he was; for if he be not so, your *Allegeance* is at an end, and your *Oath* too. Do you think we are bound by that *Oath*, *not to live in Obedience* and *Subjection* to the *Present K.* and *Q.* whilst they command by *Law* things *Just* and *Lawful*?

A. I am not well satisfied as to that.

B. If we be not thereby obliged, *not to obey their Legal Commands*, then may we *obey* them, and then may we, when call'd to it, for their *Satisfaction* and our own *safety*, *swear* to obey them. If we be obliged *not to obey them*, then is it unreasonable we should expect their *Protection.*

tection. But I think, that if that *Oath* bind us yet at all, it binds us either *to obey* our *preſent Governors*, or to *oppoſe* and *reſiſt* them all we can poſſibly.

A. Why think you ſo?

B. Our preſent *King* and *Queen* are either the *Lawful Succeſſors* of *him* to whom that *Oath* was ſworn, or they are *Invaders* and *Uſurpers.*

A. They muſt needs I think be one of the two.

B. If then they be his *Lawful* either *Heirs* or *Succeſſors*, and that *Oath* be yet *binding*, it binds to *obey* them, for in it we ſwore *Allegeance* to his *Majeſty*, his *Heirs* and *Succeſſors.*

A. That cannot be denied.

B. And if they be *Invaders and Uſurpers* of the *Soveraign Authority*, and that *Oath* be ſtill *binding*, then doth it bind us not only *not to obey* them, but to *oppoſe* and *reſiſt* them with all our might. For we then ſwore to *Aſſiſt and Defend to our power all Juriſdictions, Priviledges Pre-eminences and Authorities granted or belonging to His Majeſty, His Heirs and Succeſſors, or united and annexed to the Imperial Crown of this Realm.* How can we to our *power aſſiſt* and *defend* theſe, and not with all our *might oppoſe* and *reſiſt* the *Invaders* of them?

A. I had not well conſider'd this.

B. We ſwore alſo to *defend to the uttermoſt of our power His Majeſty againſt all attempts whatſoever made againſt His Perſon, Crown or Dignity, and to endeavour to diſcloſe and make known to him all Treaſons and Traiterous Conſpiracies made againſt him.*

A. 'Tis true we did ſo.

B. Well then, if that *Oath* bind us not, we are not becauſe of it guilty of *Perjury*, if we take this *New Oath*: But if it do ſtill *bind* us, then are we guilty of *Perjury*, not only if we *ſwear* this new *Oath*, but if we do not to our *uttermoſt power oppoſe* and *reſiſt* the *preſent K.* and *Q.* or if we do not *diſcloſe* and *make known to JAMES* the II. whatever we know of any thing by *them*, or any *other* attempted againſt him.

A. If that *Oath* bind us to all this, how can we ſwear *Allegeance* to another?

B. I confeſs we cannot on that *ſuppoſition*: but why then ſhould it more *bind* us from *taking* this *Oath*, than to the *doing* of all that I have now mentioned? Why do we pretend to fear the guilt of *Perjury* in the *one*, and not in the *other?* Why conſider we not that if it binds us not to *reſiſt* them, it binds us to *Obey* them, and then are we

perjured

perjured if we *obey* them *not*, and certainly that we may *swear* to *do*, which we are *perjured* if we do not.

A. I confess these things do not a little startle me.

B. Will you give me leave to ask you if you *pray* for the *present K.* and *Q.* as it is now ordered?

A. Yes, I may and must *pray* for *all* men, and even for *Enemies*.

B. But can you *use*, or join in the *publick Prayers* for them according to *order* calling them in your devout addresses to God, your *Soveraign Lord and Lady*, your *most Religious and Gracious King and Queen*, and praying that *God would strengthen them to vanquish and overcome all their Enemies*. That *God would rule the hearts of his* chosen Servants, W. *and* M. *that we duly considering whose Authority they have, may Faithfully serve, honour and humbly obey them*. Can you pray thus?

A. I hear many do, who yet scruple the taking this *Oath*.

B. And yet I must needs say, I cannot imagine for what reason they can do the *one* and refuse the *other*; For they *expressly own* them to *God* in *Prayer* to be, what they are not tied *expressly to own* them in the *Oath*; and they pray that *God* would *grant* them to do as much as the *Oath binds* them to do.

A. The *Clergy* will be most concern'd to answer *that*, however I hope you do not think it any *argument* for taking the *Oath*, for no man is warranted by doing *one* evil to venture on *another*.

B. I use it not as an *Argument* to prove the taking of the *Oath* to be *lawful*, but propound it as a thing deserving their *consideration* who dare not take the *Oath*, and yet venture thus to *Pray*; I conceiving it as lawful to do *both* as to do *either*; and not finding that there is any danger in not doing the one more than in not doing the other.

A. Let us keep to the question before us. I am satisfied, that if *JAMES* the II. be not yet our *Lawful King*, and if K. *WILLIAM* and Q. *MARY* have a *good Title*, we may Swear *Allegeance* to them, but not otherwise.

B. I am satisfied, that this *Monarchy* is no *Absolute*, but a *Limited Monarchy*; that therefore any King of *England*, that will not be *Limited* according to the *Fundamental Constitution* of this Government, is no longer *Legal King* of *England*; that *JAMES* the II. hath superabundantly shewn that he would not be so *Limited*; and therefore that he is no longer *Legal King* of *England*.

A. And are you also satisfied, that K. *WILLIAM* and Q. *MARY* have a good *Right* and *Title*.

B. I am satisfied, that we have no reason to believe there is in being such a thing as a *true Prince of Wales*, and that therefore the PRINCESS of *ORANGE* was the *Rightful Heir*; that being made Q. of *England*, She hath her *Right*; and the *Prince* of *ORANGE*, being by *Her* Consent join'd with *Her* in the *Government*, and having the Sole *Administration* thereof committed to him, and both of them having accepted of the *Crown* upon these *Terms*, *He* is also *rightful King of* England.

A. If this be so, we may lawfully Swear this *Oath*. But, put the case, that *some* there be, and it may be not a *few*, who really think, that *James the II.* is yet our *Legal King*, and that *W.* and *M.* are but *Invaders* of the *Regal Dignity* may these Swear *Allegeance* to them?

B. Is He whom they will have our *Legal King* in a *present capacity* to *Govern* us?

A. No, but He might be, were he peaceably *recall'd* and *invited* to it.

B. Have they any reason to hope, that returning, He would be content to *pardon* all that is past, and to Govern by the establish'd *Laws* for the future, never endeavouring to settle *Popery* by violence, nor to re-assume an *Arbitrary Authority*?

A. I cannot conceive what reason any one can have to hope this, or what assurance *He* could give us that he would be so content.

B. Suppose then He were *re-call'd* and *re-Inthroned*, and should bring in his beloved *Counsellors* the *Jesuits* along with him, and fall to the old trade again, would these men patiently suffer their *Religion*, *Liberties* and *Properties*, and possibly *Lives* too to be *invaded* and *destroy'd*, and the whole *Nation* and *Government* ruin'd?

A. I hope they would not.

B. What course then would they take to *secure* and *preserve* these things?

A. They would possibly think of letting up a *Regent*, or putting the command of the *Army* into other hands, and so leave *Him* only the *Name* and *Title* of *King*; I know not what else could be done.

B. And would not this be a violation of the former *Oath* of *Allegeance*, as well as what is now done?

A. I think it would.

B. To let that pass, can they hope *He* would be willingly so *confined* and *restrained*, and not endeavour by the assistance of all his Friends *at home* or *abroad* to recover his *Absolute Power*?

A. No rational man that knows him can imagine it.

B. And

B. And if he should thus attempt by *force* to subdue us to his *Will*, would these then sit *quiet*, and not make any *resistance*, but suffer not only this *Nation* to be *inslaved* and *ruin'd*, but also the *Protestant Religion* brought into the extreamest danger of being quite *extirpated* throughout the World?

A. Surely they would be wiser than to suffer this.

B. Well then, *He* is in a *present incapacity* to *Govern* us, and no hopes have we that if he were recall'd he would protect us by the *Laws*, but rather endeavour to destroy both *us* and our *Laws*; and if he should endeavour this, as he hath already done, either we must suffer it when it is in our power to prevent it, and so be *Accessories* to it; or we must take the same course that is *now* taken; I can think of no other, unless they should think that of *Forty Eight* better, as I hope they will not.

A. I hope so too.

B. Till then *He* can be in a *capacity* to *Govern* us, shall we be *ungovern'd*, and so exposed to our *Enemies mercy* abroad, and live in *Confusion* at home?

A. That's not fit.

B. If we must be *govern'd*, why not rather by our *present Governors* than by others?

A. Because they are thought *Invaders* and *Usurpers*.

B. So would any other from *abroad*, and they at *home*, should they undertake the Government, would be thought *Usurpers*, *Rebels* and *Traytors*; and so, tho' we must be *governed*, yet none must be thought fit to *Govern*.

A. What then I pray is your Opinion in this case?

B. Government being *God's Ordinance*, and the end of it, next to his *glory*, being the *safety* and *welfare* of the whole Nation, and the maintaining it in the exercise of *Piety* and *Justice*, *Peace* and good *Order*; we ought not to rest contentedly without it; and whilst *He* who is supposed to be our *Legal King* is under an *incapacity* of governing us, or will not Govern us by *Law*, but by his own *Will*, whereby the true *ends* of Government will be lost to us, which is evidently our case; and *others* in the mean time undertake the Government, and manage it *legally* and *hopefully* as to the attaining of all those *ends*: I am verily perswaded we *may* and *ought* to *obey* them, whatever *Title* they have, so long as they are *actually* our Governors. And if we may *obey* them, seeing the *publick peace* and *welfare* depends so much upon it, we may also *Swear* to obey them.

A. I know not how this will relish with some.

B. Neither is it our concern how it will; but either we ought to *obey* in this case, and may *Swear* obedience when call'd to it, or we must hazard *wilfully*, not only our *personal*, but the *Nations* peace and safety, yea, and that of this *Protestant Church*, and for ought I know of *all others*; we must disobey *Them* in their *just* and *legal commands* (obedience to no other being required) to *whom* under God we owe as great a *Deliverance* as ever was wrought for this Kingdom, and our present free enjoyment of our *Religion*, *Laws*, *Estates*, *Lives* and *Liberties*; we must voluntarily run into *confusion*, or put our Necks into the Yoak of *Tyranny*, and all this meerly for the sake of *One* who has done his utmost indeavour to *enslave* and *ruin* us, and we have too good *assurance* that he would do so again whenever it should be in his power. Whether this would be a *wise* and *commendable* thing I leave to your consideration.

A. If there be *reason* for it, tho' it be not thought *wise*, yet may it be *just* and *commendable*.

B. And if it be not *just*, as I think it is not, no *reason* can be given for it.

A. They say 'tis a *wrong* to another, which must not be done.

B. I say, 'tis no *wrong* to *him* who is in an *incapacity* to Govern, to *obey them* who can and will Govern us by our *Laws*, whilst he is under that *incapacity*. And he is so, not only whilst he is, as *they* will have it, in *exile*; but so long as he *will not* Govern according to *Law*. The good *reason* then that we have *not to obey*, or not to *Swear* to obey our *present K.* and *Q.* is this: Because we think a *Legal Obedience*, that is, *Allegeance*, due to *Him* only, to whom we are too well assured it will not be *acceptable*, because it is not an *illegal* one, or, because we think *He* hath something to say for a *Right* to Govern us, which he has declared he will not *exercise* but contrary to the *Constitution* on which that *Right*, if any, must be founded, and contrary to the *welfare* and *happiness* of his Kingdom; *that is*, because he claims a *Right* which neither *God* or *Man* ever gave him, to govern only by his own *Will*. All comes to this, they think he hath a *Right* which he will not *use*, and which they would *give* him, but he will not *thank* them for it; and he challenges a *Right* which they cannot *own*, and will have that yielded him, or he will have *none*.

This let us now *well consider*, and the wise God direct us.

FINIS.